

**BEFORE THE INVESTIGATIVE PANEL OF THE FLORIDA JUDICIAL
QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE

NO. 09-374

NOTICE OF INVESTIGATION

TO: The Honorable Dale C. Cohen
Broward County Courthouse
210 S.E. 6th Street, Ste. 4880
Ft. Lauderdale, Florida 33301

You are hereby advised that the Investigative Panel of the Florida Judicial Qualifications Commission, pursuant to Rule 6(b) of the Florida Judicial Qualifications Commission Rules, is conducting an investigation of allegations charging you with violations of Canons 1, 2A, 3B(1), 3B(2), and 3E (1)(d) of the Code of Judicial Conduct.

Among the specific allegations being investigated by the Commission are the following:

1. In *State of Florida v. Steven Gibbs*, Broward County Case #09-1421-CF 10 A, on August 6, 2009, in response to the Sworn Motion to Recuse Judge and Assign New Division, you held an evidentiary hearing.

2. Mardi Levey-Cohen is your wife. She had been a candidate for judicial office. Counsel for the defendant had been a supporter of your wife's opponent. Incidents during the conduct of the campaign were alleged to have created a well-founded fear of lack of impartiality.

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3. Despite an expression of concern by counsel for the defendant, and in spite of Rule 2.330(f), Florida Rules of Judicial Administration, you held an evidentiary hearing. Not only did you conduct the hearing, but also you personally questioned your wife and counsel for the defendant about the allegation in the motion.

You are hereby invited to appear before the Investigative Panel of the Florida Judicial Qualifications Commission at 9:30 a.m., or as soon thereafter as the matter can be heard, on the 6th day of November, 2009, in the Collier Room of the Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, where you shall be afforded a reasonable opportunity to make a statement before the Investigative Panel, personally or by your attorney, verbally or in writing, sworn or unsworn, explaining, refuting or admitting the alleged misconduct. Your presentation will be limited to 30 minutes. At the proceeding you will not have a right to present other testimony or evidence, nor have the right to confrontation or cross-examination of any other person interviewed, called or interrogated by the Investigative Panel; provided, that the Investigative Panel in its sole discretion may review and consider documentary evidence submitted by you, including affidavits, as prescribed in the Rules of the Florida Judicial Qualifications Commission, as revised.

The location of the meeting room in the hotel is subject to change by the hotel. Please reconfirm the room location with the front desk upon arrival at the hotel.

If you wish to submit a written response to the allegations or if you wish to submit documentary evidence which the Panel may consider, twelve copies of this

response and documentary evidence must be filed with Ms. Brooke S. Kennerly, Executive Director, Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303, not later than ten days before the scheduled hearing. All documents must be softbound to facilitate mailing to the panel. If you plan to appear at the hearing, please advise Ms. Kennerly at the same time.

JUDICIAL QUALIFICATIONS COMMISSION

S/
By: Michael L. Schneider
General Counsel
Florida Bar No. 525049
1110 Thomasville Road
Tallahassee, Florida 32303
(850) 488-1581

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Investigation has been furnished by certified mail #7001 2510 0007 6248 5651 to the Honorable Dale C. Cohen, Broward County Courthouse, 201 S.E. 6th Street, Ste. 4880, Ft. Lauderdale, Florida 33301 on this 29th day of September, 2009.

S/
MICHAEL L. SCHNEIDER
General Counsel